



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 05/06/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.9653 of 2023

1. Rasathi
2. Balamani
3. Annapoorani

... Petitioners / Accused No.1,2&3

Vs

State represented by
The Inspector of Police,
Annavasal Police Station,
Pudhukottai District.
Crime No.81 of 2023.

... Respondent / Complainant

For Petitioners: M/s.Jeyamohan K, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Cr.No.81/2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners /Accused who were arrested and remanded to judicial custody on 16.04.2023 for the offence under section 147, 148, 294(b), 341, 427, 302 & 506(ii) of IPC in Crime No.81 of 2023 on the file of the respondent police seek bail.

2. The case of the prosecution is that it is a case of retaliation. The first petitioner/A1 herein had a illicit intimacy with the brother of the defacto complainant and the same was questioned by the son of the first petitioner. Because of that, there were several wordy conflicts between the brother of the defacto complainant and the son of the first petitioner. In such circumstances, the son of the first petitioner committed suicide by hanging himself. To retaliate the same, the accused persons along with other accused murdered the brother of the defacto complainant. Hence, the complaint.



3. Heard both sides and perused the materials available on record including the First Information Report.

4. The petitioners herein under the impression that only because of the brother of the defacto complainant's brother, the son of the first accused had committed suicide. Therefore, the accused persons entered into the house of the defacto complainant's brother and brutally attacked him with deadly weapons and murdered him. Even according to the case of the prosecution, the petitioners herein engaged other accused persons for murdering the deceased.

5. Taking into consideration of the facts and submissions made by the learned counsels and also the period of incarceration this court is inclined to grant bail to the petitioners, subject to the following conditions:

[a] Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two blood related sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Illupur, and on further conditions that:

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[c] the petitioners shall report before the respondent police daily at 10.30 A.M. and 5.30 P.M., until further orders.

[d] the petitioners shall not commit any offences of similar nature.

[e] the petitioners shall not abscond either during investigation or trial.

[f] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

05/06/2023

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05/06/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

<https://www.mhc.tn.gov.in/judis>



To

1.The Judicial Magistrate,
Illupur.

2.Do through the Chief Judicial Magistrate,
Pudukottai District.

3.The Inspector of Police,
Annavasal Police Station,
Pudukottai District.

4.The Officer Incharge,
Special Prison for Women, Trichy.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.PRABHU, Advocate (SR-8040[I] dated 05/06/2023)

ORDER

IN

CRL OP(MD) No.9653 of 2023

Date :05/06/2023

ED/SSS/SAR- (05/06/2023) 3P 7C